REMARKS

Claims 1-47 are original or previously presented, and claims 48-55 are added. Accordingly, claims 1-55 are pending. In view of the above claim amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections Under 35 U.S.C. §103

Applicants respectfully submit that the outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness. Further, in accordance with MPEP §2142 (which states in part "[i]f the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness"), Applicants, in good faith and belief that a *prima facie* case of obviousness has not been established in the above of rejections, requests that all outstanding rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

As set forth in MPEP §§2142 and 2143, a *prima facie* case of obviousness has three basic requirements. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants respectfully submit that the proposed combinations of references, fail to meet at least the first requirement above (namely, there is no suggestion to combine). Accordingly, no *prima facie* case of obviousness has been established.

Rejection of Claim 37

Claim 37 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,012,098 (hereinafter Bayeh) in view of "Internet Explorer 5 and XML" (hereinafter Heinemann). Applicants respectfully traverse the rejection.

The Office Action acknowledges that Bayeh does not teach sending XML but rather HTML because browsers at the time of Bayeh expected to receive data that had been formatted with HTML. The Office Action then cites Heinemann as teaching that browsers at the time of the invention expected to receive XML data and then asserts that it would be obvious "to combine Heinemann with Bayeh and send the unformatted XML". Applicants respectfully assert that there is no suggestion for such a combination because the proposed modification with respect to Bayeh would:

(a) "render the prior art invention being modified unsatisfactory for its intended purpose" and/or

(b) "change the principle of operation of the prior art invention being modified".

MPEP 2143 prohibits both of these occurrences in establishing a *prima facie* case of obviousness.

Bayeh discloses (at column 3, lines 31-33) as its first object of the present invention, "to provide a technique whereby information retrieval logic can be isolated from information presentation formatting logic" (emphasis added). Bayeh also discloses (in the abstract) that "[d]ata retrieval logic is isolated to a data servlet, and presentation formatting is isolated to a rendering servlet." In Fig. 4 of Bayeh, a server includes a data servlet 83 that outputs an XML data stream and a

rendering servlet 85 that receives the XML data stream and <u>outputs an HTML data stream</u>. Bayeh's disclosure shows that a purpose of Bayeh is to isolate retrieval logic from presentation formatting logic within a server, and that a principle of operation is to use two data streams with different formats for data retrieval and presentation formatting by a server. Stated another way, a principle of operation of Bayeh is to use one format for transferring data between servlets and another format for transferring data from a servlet to a client.

It is clear from the above discussion that the modification proposed in the Office Action serves to <u>eliminate</u> the rendering servlet, whose purpose is to isolate information presentation formatting logic from information retrieval logic <u>within a server</u>. This modification would "render the prior art invention being modified unsatisfactory for its intended purpose". Further, the proposed modification also changes a principle of operation of Bayeh, which calls for <u>different formats for data retrieval and presentation formatting</u> (i.e., XML and HTML, respectively) by a server.

Because the proposed modification of Bayeh both renders Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation logic) and/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation), according to MPEP 2143, there is no suggestion to combine Bayeh and Heinemann. Accordingly, claim 37 is patentable over the cited references for at least these reasons.

Further, the Office Action asserts in the first sentence on page 2 that Bayeh teaches that data "is formatted within the same object that gathered the data" and that it "would have been obvious to ... call another object to format the data..." Applicants respectfully disagree.

As stated above, Bayeh discloses that "[d]ata retrieval logic is isolated to a data servlet, and presentation formatting is isolated to a rendering servlet." Fig. 4 of Bayeh discloses that one servlet gathers data and outputs an XML data stream to another servlet that formats data into an HTML data stream. Applicants respectfully assert that if, *arguendo*, servlets are objects, then Bayeh already teaches "... another object to format the data...", but this other object formats data received from the XML data stream into an HTML data stream. Thus, there is no teaching or motivation in the cited references to modify Bayeh to add a <u>second</u> formatting object as proposed in the Office Action. Further, the Office Action does not address the format of the data in which this proposed second formatting object would receive the data from the proposed gathering object. Considering the disclosure in Bayeh of how servlets communicate with each other, if the format is not XML or HTML, then this proposed second formatting object serves to add a third formatting operation that appears to be unnecessary increase processing burden and complexity. If it is XML or HTML, then it is difficult to understand the motivation to modify Bayeh to add a duplicate formatting process. Accordingly, the rejection fails to set forth a *prima facie* case of obviousness.

Rejections of Claims 1-7, 10-11, 13-14, 16-17, 19, 31-32, 34-35 and 38

Claims 1-7, 10-11, 13-14, 16-17, 19, 31-32, 34-35 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Heinemann and further in view of "XML Fragment Interchange, W3C Working Draft" published 3/3/1999 (hereinafter W3C). Applicants respectfully traverse these rejections.

Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action would (as described above in the response to the rejection of claim 37) render Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation logic in a server) an/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation by a server). Accordingly, claims 1-7, 10-11, 13-14, 16-17, 19, 31-32, 34-35 and 38 are patentable over the cited references.

Rejections of Claims 8-9, 18 and 33

Claims 8-9, 18 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Heinemann and the W3C reference, and further in view of "Extensions for Distributed Authoring on the World Wide Web – WebDAV, Internet Draft" by Goland et al, published 4/7/1998 (hereinafter Goland). Applicants respectfully traverse these rejections.

Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action would (as described above in the response to the rejection of claim 37) render Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation logic in a server) an/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation by a server). Accordingly, claims 8-9, 18 and 33 are patentable over the cited references.

<u>Rejections of Claims 20 and 30</u>

Claims 20 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Goland. Applicants respectfully traverse.

Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action would render Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation logic in a server) an/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation by a server).

For example, the Office Action appears to assert that Bayeh can be modified so that a server responds to a client's XML request with an XML response. However, as described previously, Bayeh discloses (see Fig. 4) a server that includes a data servlet 83 that <u>outputs an XML data stream</u> and a rendering servlet 85 that receives the XML data stream and <u>outputs an HTML data stream</u>. Bayeh's disclosure shows that a purpose of Bayeh is to isolate retrieval logic from presentation formatting logic within a server, and that a principle of operation is to use two data streams with different formats for data retrieval and presentation formatting by a server. Stated another way, a principle of operation of Bayeh is to use one format for transferring data between servlets and another format for transferring data from a servlet to a client. It is clear that the Office Action's modification of Bayeh would eliminate rendering servlet 85,

Further, the Office Action asserts in the rejection of claim 20 that Bayeh teaches that data "is gathered and formed by the same data servlet object that gathered the data (col. 11, ll.1-2)", and that it "would have been obvious ... to call another object to format the data..."

Applicants respectfully disagree. As stated above, Bayeh discloses that "[d]ata retrieval logic is isolated to a data servlet, and presentation formatting is isolated to a rendering servlet." Applicants respectfully assert that if, *arguendo*, servlets are objects, then Bayeh <u>already teaches</u> "... another object to format the data...", but this other object formats data received from the XML data stream into an HTML data stream. Thus, there is no teaching or motivation in the cited references to modify Bayeh to add a <u>second</u> formatting object as proposed in the Office Action.

Further, the Office Action does not address the format of the data in which this proposed second formatting object would receive the data from the proposed gathering object. Considering the disclosure in Bayeh of how servlets transfer data, if the format is not XML or HTML, then this proposed second formatting servlet adds a third formatting operation that appears to unnecessarily increase processing burden and complexity. If it is XML or HTML, then it is difficult to understand the motivation to modify Bayeh to add a servlet that receives XML and then outputs XML to the rendering servlet. Accordingly, the rejection fails to set forth a *prima facie* case of obviousness for claim 20 and dependent claim 30.

In addition, Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action fails to teach or suggest all the claim limitations.

For example, the Office Action asserts, "[t]herefore, upon the modification... the data servlet object would be correlated to the WebDAV request method and therefore be a request method object as stated in the claim."

However, this assertion does not address *whether or not a "request method object" is created* for the WebDAV request method.

In contrast, claim 20 recites in pertinent part, "creating a request method object for the WebDAV request method". An example of this feature is illustrated in Fig. 8, block 402 of the present patent application. Applicants respectfully assert that Bayeh as modified by this rejection fails to teach or suggest "creating a request method object for the WebDAV request method" as recited in claim 20. Accordingly, for this addition reason, the rejection fails to set forth a *prima facie* case of obviousness for claim 20 and dependent claim 30.

Rejections of Claims 21-22

Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Goland and further in view of Heinemann. Applicants respectfully traverse.

Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action would render Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation logic in a server) an/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation by a server), as described above for both claim 37 and claim 20. In addition, as claims 21-22 depend from claim 20, Applicants respectfully assert that the proposed combination fails to teach or suggest all the claim limitations of claims 21 and 22, as described above for claim 20.

Further, regarding claim 22, the Office Action asserts "Bayeh does not build an entire hierarchical tree structure", without citing where Bayeh discloses such a feature. The Office Action acknowledges that's Bayeh makes no mention of building a hierarchical tree on page 7, line 14 of the Office Action. Applicants respectfully assert that the absence of disclosing a hierarchical tree structure in no way teaches or suggests "sending of the response portion comprises doing so without building an entire hierarchical tree structure..." as recited in claim 22.

Further, in order to avoid having this feature being construed as admitted prior art according to MPEP 2144.03(C), Applicants traverse what appears to be a factual assertion that the absence of mentioning a hierarchical tree means that Bayeh teaches that a tree would not have to built. As stated in the present application (see e.g., page 3, lines 22-23), "it has been typical in the past to build the entire tree structure, such as the one shown in Fig. 1, before building an XML document itself." Thus, Applicants respectfully assert that the absence of mentioning a hierarchical tree is more likely to mean that Bayeh discloses that an entire tree would have to be built.

Rejections of Claims 23, 25 and 44-47

Claims 23, 25 and 44-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Goland and further in view of the W3C reference. Applicants respectfully traverse.

Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action would render Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and

presentation logic in a server) an/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation by a server), as described above for claim 20. In addition, as claims 23 and 25 depend from claim 20, Applicants respectfully assert that the proposed combination fails to teach or suggest all the claim limitations of claims 23 and 25, as described above for claim 20.

Regarding claim 44, Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) also fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action fails to teach or suggest all the claim limitations.

For example, the Office Action asserts, "Bayeh teaches using an object that is inherently associated with the request, and inherently instantiated, build the XML response", citing col. 10, lines 46-58 of Bayeh. Thus, it appears the "object" referred to in this rejection corresponds the data servlet of Bayeh. However, assuming *arguendo* that this assertion is correct, there is still no teaching or suggestion of "software code that is configured to receive a request from a client for an XML document and *instantiate an object that corresponds to an HTTP verb contained in the request*", as recited in claim 44. The cited text has no mention of the data servlet <u>instantiating</u> another object that corresponds to an HTTP verb contained in a client request for an XML document.

Therefore, Applicants respectfully assert that Bayeh as modified by this rejection fails to teach or suggest "software code that is configured to receive a request from a client for an XML document and instantiate an object that corresponds to an HTTP verb contained in the request", as recited in claim 44. Accordingly, for this addition reason, the rejection fails to set forth a *prima facie* case of obviousness for claim 44 and dependent claims 45-47.

Rejections of Claims 24, 26 and 41-43

Claims 24, 26 and 41-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Goland and the W3C reference, and further in view of Heinemann. Applicants respectfully traverse.

Applicants respectfully submit that these outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because combining the cited references as proposed by the Office Action would render Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation logic in a server) an/or changes Bayeh's principle of operation (i.e., different formats for retrieval and presentation by a server), as described above for claims 37, and 20. In addition, as claims 24 and 26 depend from claim 20, Applicants respectfully assert that the proposed combination fails to teach or suggest all the claim limitations of claims 23 and 25, as described above for claim 20.

Regarding claim 41, the Office Action asserts that Bayeh teaches that data "is formatted with the same object that gathered the data" and that it "would have been obvious to ... call another object to format the data..." Applicants respectfully disagree. As stated above, Bayeh discloses that "[d]ata retrieval logic is isolated to a data servlet, and presentation formatting is isolated to a rendering servlet." Applicants respectfully assert that if, *arguendo*, servlets are objects, then Bayeh already teaches "... another object to format the data...", but this other object formats data received from the XML data stream into an HTML data stream. Thus, there is no teaching or motivation in the cited references to modify Bayeh to add a <u>second</u> formatting object as proposed in the Office Action.

Further, the Office Action does not address the format of the data in which this proposed second formatting object would receive the data from the proposed gathering object. Considering the disclosure in Bayeh of how servlets communicate with each other, if the format is not XML or HTML, then this proposed second formatting object serves to add a third formatting operation that appears to unnecessarily increase processing burden and complexity. If it is XML or HTML, then it is difficult to understand the motivation to modify Bayeh to add a duplicate formatting process. Accordingly, for this additional reason the rejection fails to set forth a *prima facie* case of obviousness for claim 41 and dependent claims 42-43.

New Claims 48-51

New claims 48-51 are fully supported by at least page 8, lines 11-13 of the specification of the present application as originally filed. Accordingly, no new matter is added.

New claims 48-51 are all dependent claims and, therefore, are patentable over the cited references for at least the same reasons that their parent claims are patentable over the cited references. In addition, claims 48-51 have another basis for being patentable over the cited references, as described below.

The Office Action on page 4 acknowledges that neither Bayeh nor Heinemann disclose dealing with XML in portions and asserts that the X3C reference discloses a method of dividing XML in to fragments (portions). Assuming *arguendo* that this assertion is correct, the X3C reference in no way teaches or suggests "preparing only a portion of an XML document without first entirely building the XML document" as recited in new claim 48.

For example, on page 3 in the section denoted "1. Overview" the X3C reference discloses, "...the holder of the <u>complete source document</u> (emphasis added) considers a fragment of that document and, using the notation to be defined by this activity, *constructs a fragment context specification*"(emphasis original).

The X3C reference (on page 17 another example denoted "B.1") discloses, "[t]he user has <u>an XML document</u> that represents a customer's set of purchases as a bookstore, and the part of that document that represents the purchase of a particular book needs to be represented as a fragment" (emphasis added). Similarly, the X3C reference discloses in example "B.2" on page 18 "[a] user has <u>an XML document</u> that includes several external entities, and she wants to be able to interchange a fragment that include a reference to the entities ..." (emphasis added). Likewise in example "B.3" on page 21, the X3C reference discloses "[t]he user has very large <u>XML documents</u> ... and wishes to be able to view portions of the document without parsing the whole document" (emphasis added).

Based on the above-cited disclosures in the X3C reference, Applicants respectfully assert that the X3C reference discloses that <u>fragments are made from complete XML documents</u>. There is no teaching or suggestion in the X3C reference of how to prepare only a portion of an XML document without first entirely building the XML document. Consequently, the X3C reference fails to teach or suggest "preparing only a portion of an XML document without first entirely building the XML document" as recited in claim 48. Accordingly, claim 48 is patentable over the cited references.

New claims 49-51 contain similar recitations as described above for claim 48. Therefore, claims 49-51 are patentable over the cited references for at least the same reasons that claim 48 is patentable over the cited references.

New Claims 52-53

New claims 52-53 are fully supported by at least page 19, lines 10-16 of the present application as originally filed. Therefore, no new matter is added. New claims 52-53 are all dependent claims and, therefore, are patentable over the cited references for at least the same reasons that their parent claims are patentable over the cited references. In addition, claims 52-53 have another basis for being patentable over the cited references, as described below.

Applicants believe that none of the cited references teach or suggest "creating a request method object for the WebDAV request method responsive <u>to the determination</u> of the WebDAV request method", or instantiating a request method object that corresponds to the HTTP verb <u>responsive to the determination of the HTTP verb</u>" as recited in claims 52 and 53, respectively. For example, Bayeh appears to disclose in Fig. 4 that the data and rendering servlets are created or instantiated in the server *prior* to receiving a request from a client. Accordingly, because the cited references do not teach or suggest all of the elements of claims 52 and 53, Applicants respectfully assert that these claims are patentable over the cited references on this additional basis.
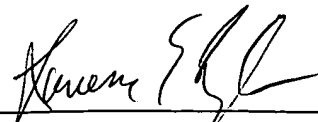

Conclusion

In view of the foregoing, Applicants believe all pending claims are in condition for allowance. Accordingly, Applicants respectfully request that a Notice of Allowability be issued. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicants respectfully

request that the Examiner contact the undersigned (telephone number provided below) to schedule an interview.

Respectfully Submitted,

Dated: _May 26, 2004_   By: _____

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